

Serial No. 09/708,817
December 3, 2003
Reply to the Office Action dated August 8, 2003
Page 8 of 11

REMARKS/ARGUMENTS

Claims 1-26 are pending in this application. By this Amendment, Applicant AMENDS claims 1 and 14.

The Examiner objected to the drawings for being informal and for including Japanese characters and other indicia at the top of the drawings. Applicant acknowledges that the drawings, as originally filed, are informal. Applicant will submit formal drawings when the application is allowed.

Claims 1-9, 12-22, and 25-26 were rejected under 35 U.S.C. § 102(e) as being anticipated by Masuda (U.S. 5,982,272). Claims 10, 11, 23 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Masuda in view of Applicant's Admitted Prior Art Figs. 2 and 4 (AAPA). Applicant respectfully traverses the rejections of claims 1-26.

Claim 1 has been amended to recite:

"A variable resistor comprising:

a case;

a rotor rotatably mounted in said case, said rotor being arranged to be rotationally operated from outside of the case;

a substrate provided in said case, said substrate having a collector electrode disposed at an approximately central portion of the surface of the substrate and having an arcuate resistor disposed on the surface of the substrate around said collector electrode so as to be substantially concentric therewith;

a slider mounted on said rotor so as to be rotatable together with said rotor;

said slider including:

a base portion with a rear surface being supported by said rotor;

an annular arm portion having a bent up portion bent along a bending line corresponding to a diameter of the annular arm portion and arranged to make sliding contact with said arcuate resistor of said substrate;

a substantially I-shaped arm portion located inside of the annular arm portion, extending in a direction that is substantially perpendicular to the bending line, and arranged to make contact with said collector electrode; and

Serial No. 09/708,817
December 3, 2003
Reply to the Office Action dated August 8, 2003
Page 9 of 11

a folded back portion provided on one end of the base portion which directly connects the annular arm portion and the substantially I-shaped arm portion to the base portion."
(emphasis added)

Applicant's claim 1 recites the feature of "a folded back portion provided on one end of the base portion which directly connects the annular arm portion and the substantially I-shaped arm portion to the base portion." Applicant's claim 14 recites features which are similar to features recited in Applicant's claim 1, including the above emphasized features. With the improved features of claims 1 and 14, Applicant has been able to provide a variable resistor with a low profile and a stable contact between the slider and the substrate (see, for example, the last full paragraph on page 4 and the first paragraph on page 6 of the originally filed Specification).

Applicant has amended claims 1 and 14 to recite the feature of "a folded back portion provided on one end of the base portion which directly connects the annular arm portion and the substantially I-shaped arm portion to the base portion." The Examiner has alleged in paragraph no. 6 on page 3 of the outstanding Office Action that the base portion 41, annular arm portion 42, and I-shaped arm portion 43 "are all 'coupled' at one end 43b since 'coupled' is a broad term." Applicant respectfully disagrees with the Examiner's interpretation of the term "coupling" as recited in Applicant's claims 1 and 14. However, in order to expedite prosecution, Applicant has amended claims 1 and 14 to more clearly recite the structure of the variable resistor.

Masuda clearly teaches that the annular arm portion 42 is connected to the body portion 41 via one folded back portion disposed at one end of the body portion and that the substantially I-shaped portion 43 is connected to the body portion 41 via another different folded back portions disposed at the opposite end of the body portion 41, NOT that the annular arm portion and the substantially I-shaped portion are connected to the body portion by a folded back p rtion at one nd of the base portion as recited in Applicant's claims 1 and 14. Thus, Masuda fails to teach or suggest the

Serial No. 09/708,817
December 3, 2003
Reply to the Office Action dated August 8, 2003
Page 10 of 11

feature of "a folded back portion provided on one end of the base portion which directly connects the annular arm portion and the substantially I-shaped arm portion to the base portion" as recited in Applicant's claims 1 and 14.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1 and 14 under 35 U.S.C. § 102(e) as being anticipated by Masuda.

The Examiner has relied upon to AAPA to allegedly cure various deficiencies in Masuda. However, AAPA clearly fails to teach or suggest the feature of "a folded back portion provided on one end of the base portion which directly connects the annular arm portion and the substantially I-shaped arm portion to the base portion" as recited in Applicant's claims 1 and 14. Thus, Applicant respectfully submits that AAPA fails to cure the deficiencies of Masuda described above.

Accordingly, Applicant respectfully submits that Masuda and AAPA, applied alone or in combination, fail to teach or suggest the unique combination and arrangement of elements recited in claims 1 and 14 of the present application. Claims 2-13 depend upon claim 1 and are therefore allowable for at least the reasons that claim 1 is allowable. Claims 15-26 depend upon claim 14 and are therefore allowable for at least the reasons that claim 14 is allowable.

In view of the foregoing amendments and remarks, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance are solicited.

To the extent necessary, Applicant petitions the Commissioner for a ONE-month extension of time, extending to December 8, 2003, the period for response to the Office Action dated August 8, 2003.

Serial No. 09/708,817
December 3, 2003
Reply to the Office Action dated August 8, 2003
Page 11 of 11

The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

Respectfully submitted,

Date: December 3, 2003


Attorneys for Applicant

Joseph R. Keating
Registration No. 37,368

Christopher A. Bennett
Registration No. 46,710

KEATING & BENNETT LLP
10400 Eaton Place, Suite 312
Fairfax, VA 22030
Telephone: (703) 385-5200
Facsimile: (703) 385-5080